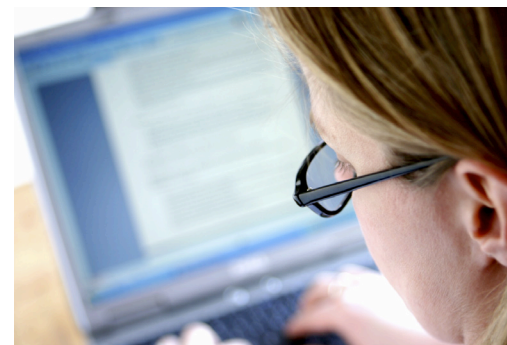


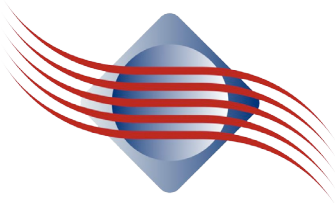
An Australian Government Initiative

Domestic Violence Workplace Rights and Entitlements Project

Domestic Violence and the Workplace

Employee, Employer and Union Resources





Domestic Violence Workplace Rights and Entitlements Project

Domestic Violence and the Workplace

Employee, Employer and Union Resources

This package contains a range of resources to support an effective response to domestic violence as it affects the workplace.

The package has been developed by the Australian Domestic and Family Violence Clearinghouse in collaboration with unions and employers across Australia. International research and best practice have been used to inform the templates, guides and factsheets enclosed.

These resources are intended as a guide, providing suggestions for those wishing to develop and enhance their workplace response to domestic violence in the interests of safety, productivity and employment sustainability.

A project of the Australian Domestic and Family Violence Clearinghouse (ADFVC), funded by the Commonwealth Department of Education, Employment and Workplace Relations 2011

For more information about this project and to enquire about workplace training contact:

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For Employees

What is domestic or family violence?

Domestic or family violence is an abuse of power. It takes many forms including intimidation, control, isolation and emotional, physical, sexual, financial or spiritual abuse. If you feel scared of a partner, ex partner or family member, you may be experiencing domestic or family violence. Domestic violence tends to increase over time, becoming more serious and more frequent.

Domestic violence doesn't always stop at home

The abusive person might make it hard for you to get to work, they might harass you at work or when you arrive or leave. They might also harass or abuse your co-workers, who might blame you. You might be worried that because of what is happening you might lose your job.

Why is this important for your workplace?

Domestic violence can affect your productivity, wellbeing and safety at work so it is in everyone's best interests that you are safe at home and safe at work. Staying in your job and having a source of independent income is important to having the option to leave a violent relationship. Domestic violence affects up to one in three Australian women so it is best that it is dealt with openly.

Your new domestic violence rights at work

To help keep you safe and to minimise the negative impacts of domestic violence, your union and employer have agreed to a new set of conditions that give you paid leave to go to court, to an appointment with your bank, your children's school, your counsellor or any of the many things that you may need to do in a time of crisis. The conditions protect your confidentiality and prevent you from being treated less favourably if you tell your workplace what is happening.

What can I do?

For your protection, we recommend you get a domestic violence protection order.

A protection order is an order made by a court, restricting the abusive person's behaviour. It is not a criminal penalty and does not give the abusive person a criminal record unless they breach it. It doesn't mean you have to end your relationship with the abusive person.

The order can be worded to suit your situation. If the abusive person is harassing you at work, you could get an order that stops them from attending or coming near your work address. A protection order helps you to take the power back and protects you from further violence.

If your workplace needs proof that you are experiencing domestic violence, you can use this order. By protecting you, the order protects your co-workers as well.

Talk with your union delegate, supervisor, HR or employer about how your workplace can support you to stay safe in your job.

I've had to take large amounts of sick leave and, when that ran out, annual leave to deal with the effects of an abusive partner. I thought I was going to lose my job. The fear of losing my job made dealing with the emotional and legal issues even more stressful than it already was. Losing all my sick leave and much of my annual leave further adds to the stress.

Anonymous email to the Australian Services Union

Domestic violence and the workplace:

Union information

What is domestic violence?

Domestic or family violence is an abuse of power. It takes many forms including intimidation, control, isolation and emotional, physical, sexual, financial or spiritual abuse. Domestic violence tends to increase over time, becoming more serious and

A message from your union secretary

Health, safety and job security are union issues. Two-thirds of Australian women who report violence by a current partner are in paid employment. Many will be union members. It is vitally important for these women to keep their jobs so that they have a pathway to leave the abuse and establish a safe life for themselves and their children. This is why unions need to be aware of the issues and take steps to ensure workplaces are helpful and protective, creating a safe place where women feel confident to disclose and be effectively supported.

A message from your employer

Harassing an ex-partner at work, through emails, texts, phone calls or in person is a crime and an important indicator that domestic violence is escalating. These behaviours are a sign of increased risk of serious physical harm. As a workplace we are committed to supporting our staff to disclose their situation, help them stay safe at work and maintain them in their jobs.

more frequent. Domestic violence harms both the victim and children who witness the abuse. Most forms of domestic violence are a criminal offence.

Domestic violence laws and definitions vary across jurisdictions. This package includes a table summary providing the legal definition of domestic/family violence used in each Australian state and territory and links to legal information about domestic violence protection orders. Additionally, a list of state and territory specific support services is provided at the end of this package.

Quick facts

- Domestic and family violence is common. For example, Victorian Police attend over 20,000 incidents of family violence each year – around 385 per week. Children are present at more than half of these incidents.
- One in three women will experience domestic violence over the course of their lives.
- Both men and women can experience domestic violence, but women of all ages are more vulnerable due to often having primary care of young children and other family members and due to economic disadvantage.
- Domestic violence can continue even after separation and divorce. In fact the most dangerous times for a victim are post-separation or during pregnancy.
- Domestic violence is a major factor affecting women's health in Australia. A large study in Victoria found that it is the leading contributor to death, disability and illness in women aged 15-44 years; greater than high blood pressure, smoking or obesity.

Domestic violence and the workplace

- Two-thirds of Australian women who report violence by a current partner are in paid employment.
- A large American study found that ten percent of employees report some experience of violence from their partner within the past twelve months. Women reported both more frequent abuse and more severe forms of violence than male victims.
- The main impact at work for employees is distraction and impaired work performance.
- Incidents of violence can frequently occur actually in the workplace. Most commonly, this involves harassment in the form of repeated, abusive and threatening phone calls or emails.
- In the most extreme cases, women have been killed by their partners while at work.
- In a study of partner stalking (unwanted, repeated attention that is threatening and invokes fear), 95 percent of women with violent partners who stalked them, experienced harassment at their place of work. Stalking has been identified as one of the risk factors that can lead to the victim being killed.
- Between one quarter and one half of women who have been subjected to domestic violence report having lost a job, at least in part due to the violence. A consequence is that victims of domestic violence have a more disrupted work history and are therefore on lower personal incomes, have had to change jobs and are more often employed at in casual and part time work than those who have not experienced domestic violence.
- Domestic violence can result in a huge cost to employers associated with lost productivity, misuse of resources and staff turnover. In 2002-2003 Access Economics calculated the total cost of lost productivity associated with domestic violence in Australia was \$484 million.

By 2021-2022 production-related costs are estimated to rise to \$609 million.

- Being in employment is a vital pathway for women to leave a violent relationship. The financial security that employment affords can allow them to avoid becoming trapped and isolated in violent and abusive relationships and to maintain, as far as possible, their home and standard of living.

References and links to international examples of workplace responses to domestic violence are provided in the *Workplace Guide to Domestic Violence Policy and Procedures* section of this package.

Domestic violence and the law

- Each state and territory has laws aimed at preventing domestic violence and allowing courts to make domestic violence protection orders to protect the safety of victims.
- Domestic violence protection orders place restrictions on the behaviour of an abusive person, aimed at preventing future violence. This can include making it illegal for the abusive person to enter or come near the victim's home or place of work.
- A protection order does not give the abusive person a criminal record but they can be charged with a criminal offence if they breach the order.
- Generally, an application for a domestic violence protection order can be made by police, on behalf of the person who needs protection, or by an individual person at their nearest local court. Police are obliged to take out a domestic violence protection order where they believe there is or is likely to be a safety risk to the victim.
- If there is evidence of an assault or other offences, the police may charge the abusive person.

Domestic violence and the workplace:

Employer information

What is domestic violence and how does it impact the workplace?

Domestic or family violence is an abuse of power by a partner, ex-partner or family member. It takes many forms including intimidation, control, isolation and emotional, physical, sexual, financial or spiritual abuse. Domestic violence tends to increase over time, becoming more serious and more frequent. Domestic violence harms both the victim and children who witness the abuse. Most forms of domestic violence are a criminal offence.

Definitions and legislative frameworks vary across states and territories. A list of relevant state and territory laws and appropriate support services is provided as part of this package.

The perpetrator may make it hard for the victim to get to work or target the victim at work, the most common form of domestic violence experienced at work is abusive calls and emails. Additionally, the strain of dealing with domestic violence at home can undermine a worker's productivity, performance and wellbeing.

Domestic violence can also create problems for other staff and managers, who may also be targeted, posing a workplace safety, and ultimately, a liability issue. In the most extreme cases, a number of women in Australia have been stalked and eventually killed by violent ex-partners whilst at work.

Paid employment is a critical pathway for victims to leaving an abusive relationship and establishing a safe life without violence. The workplace has a key role to play in minimising the productivity and safety impacts of domestic violence by supporting victims to stay in their jobs.

How many women are affected by domestic violence?

A national survey in 2005 by the Australian Bureau of Statistics found that nearly one in three Australian women experience physical violence and one in five experience sexual violence over their lifetime, this is mainly perpetrated by a male partner or ex-partner.

In 2006, a large study in the United States found that ten percent of both female and male employees reported some experience of DV within the past twelve months, with women reporting

The evidence

- Two-thirds of women who report recent domestic violence are in paid employment.
- Some of the most common forms of domestic violence directed at the victim's workplace are repeated phone calls or e-mails.
- Some perpetrators also try to sabotage women's work efforts through: creating sleep deprivation; inflicting injuries; hiding their work clothes; promising to mind children then refusing to do so; physically preventing them from leaving the house; stalking or harassing them while they are at work.
- Women who are subjected to domestic violence have a more disrupted work history, are on lower personal incomes, have had to change jobs frequently and are very often employed in casual and part time work.
- Supporting women to stay in work not only maintains productivity but also reduces recruitment and training costs for employers.

more *frequent* abuse and more severe forms of violence.

Women experiencing domestic violence are unlikely to disclose at their workplace unless they feel safe to do so. This requires an environment of positive attitudes and direct, supportive action. When a workplace actively demonstrates a supportive approach towards victims of domestic violence, the levels of disclosure increase.

Why does domestic violence come into the workplace?

An abusive person seeks opportunities to use power to control or undermine their victim. By harassing their partner or ex-partner at work the perpetrator may succeed in getting them fired and thereby increase their dependence and susceptibility to control.

Women are particularly vulnerable at work. This is due to the predictability of the location and their working hours. When combined with easy public access to many of the places where women are employed, such as retail, hospitality, health and community services, this puts them at significant risk of stalking and harassment.

What prevents employers from noticing or supporting staff who face domestic violence?

Domestic violence does not easily fit the definitions and circumstances of other forms of workplace violence, such as workplace bullying or violence from customers and clients. For this reason it can be hard for a workplace to recognise it is happening or understand what can be done about it. A number of issues act as obstacles to workplace action:

1. Many workers are reluctant to disclose because of shame and fear of losing their jobs;
2. Managers are reluctant to 'pry' into personal matters that are 'not their business';

3. Domestic violence can be seen as a personal matter that has no relevance to work;
4. Managers may believe that responding to domestic violence requires specialised skills.

When a worker is experiencing domestic violence it is critical for workplaces to play a role in prevention and safety. Employers are required to provide a safe workplace and they have an investment in staff retention and productivity. Workplace entitlements are the most effective way to encourage women to disclose, to provide safety to individuals and ensure a safe and productive work environment for all staff.

Two contrasting cases:

A woman had to pack up and leave her workplace at very short notice when she was in danger. Her employer told her she abandoned her work and sacked her. She was too scared and embarrassed to let anyone know why she had to leave.

Another woman was given paid leave by her employer to attend court on a domestic violence matter. The employer also sent a work colleague on paid time to support her, telling them both to take as much time as they needed.

Employers, managers and unions can significantly reduce the risks of domestic violence by:

- introducing workplace entitlements;
- developing domestic violence policies and procedures for all staff; and
- collaborating with a specialised domestic violence service.

References and links to international examples of workplace responses to domestic violence are provided in the *Workplace Guide to Domestic Violence Policy and Procedures*, which is a part of this package.

WORKPLACE GUIDE

Domestic Violence Policy and Procedures

Domestic Violence - what can the workplace do?

Every workplace can make a significant difference to the safety and wellbeing of victims of domestic violence and their co-workers by introducing domestic violence clauses into enterprise agreements. In addition, a domestic violence policy and written procedures that emphasise safety, flexibility, and options for workers who are abused are critical. The policy should match and support standard workplace safety protocols and should balance the right of all personnel to a safe working environment with the need for a relaxed and accessible workplace.

The following recommendations are gathered from many existing Australian workplace policies and procedures and also draw on international experience from the American Corporate Alliance to End Partner Violence, the Occupational Health and Safety Council of Ontario, and the Northern Ireland Department of Health, Social Services and Public Safety.

STEP 1: Create a process to develop a domestic violence policy which involves key stakeholders in the workplace

- Involve all relevant internal stakeholders such as senior management, human resources, corporate security, legal services, internal communications, media relations, employee assistance programs, unions, and medical, health or safety programs.
- Ensure EAP providers are trained in domestic violence identification and response, and are able to appropriately refer to domestic violence services.
- Seek expertise externally from domestic violence specialists.
- Make sure staff are aware of the policy development process and have the capacity to meaningfully contribute
- Ensure that senior management sign off on this process and champion the outcomes.

STEP 2: Identify key areas of responsibility

- Responsibility for both the planning of program implementation
- Identifying the safety aspects of the plan,
- Establishing timelines and accountability,
- Planning for program assessment, maintaining a database of incidents and reviewing case and incident outcomes.

STEP 3: Develop a policy addressing domestic violence that contains

- A clear, plain English definition of domestic violence, with examples/case histories of how this affects the workplace. A clear statement that domestic violence is unacceptable at home and in the workplace.
- A clear statement of the employer's commitment to the introduction and



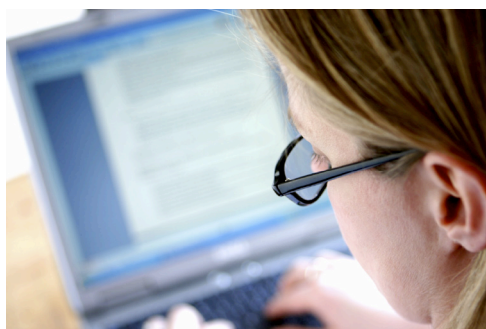
STEP 8: Create accountability measures for abusers if they work in the organisation

Perpetrators of domestic violence sometimes use workplace resources such as telephone, fax or email to threaten, harass or abuse their current or former partner.

This type of misuse of work time and resources may be a breach of workplace policy and/or their employment contract and could also amount to a criminal offence and/or breach of a domestic violence protection order.

Such abuse of workplace time and equipment requires an effective employer response as it is damaging and potentially dangerous for the victim. Where this behaviour comes to the attention of management care must be taken to protect workplace safety and discipline the perpetrator:

- Available disciplinary options should be considered. This may include reporting the perpetrator to police.
- Conduct a detailed risk assessment if the perpetrator remains employed. Particular care should be taken if the victim of the abuse is also an employee of the organisation. Specific attention should be given to the individuals' workplace roles and responsibilities to determine whether they should be modified.
- Where appropriate, minimise the potential for perpetrators to use their position or work resources to find out details or whereabouts of the victim. This may include monitoring or withdrawing access to certain computer programs or a change of duties.



WORKPLACE GUIDE

Domestic Violence Safety Plan

Developing an effective safety plan

Your domestic violence policy should emphasise safety, flexibility and options for those who are abused. In particular it should include the development of a safety plan for the workplace. A domestic violence safety plan enhances general safe at work strategies, but targets specific risk factors associated with domestic violence.

This guide contains a number of ideas to help create a safety plan. They are drawn from the experience of a range of current workplaces. Not all of them will be necessary in your workplace, and some may already exist as part of your workplace safety protocols in relation to dealing with the public and only minor modification may be required.

The most effective workplace domestic violence safety plan will have the full support of staff. You can involve workers in developing the plan through the short training sessions offered as part of this information package. This will enhance the acceptability and efficiency of any necessary general monitoring or surveillance measures. Any individual measures must be developed with the employee concerned, with their full informed consent.

STEP 1: Assess the nature of the workplace

Every work place is different. Safety plans needs to reflect the general safety measures that can be introduced as well as the specific plans tailored to the needs of individual staff who disclose, according to the nature of the workplace and the work patterns of individuals (e.g. do rosters expose staff to potentially hazardous times such as late at night, early in the morning or at very quiet times of day? Do staff work alone, offsite, or beyond mobile range?).

STEP 2: Assess the workplace for security

Is public access to the workplace restricted? Are there security guards onsite? Are employees working in remote or isolated locations within the building? Is car parking safe?

Possible actions to support safety:

- Provide locked entries/exits,
- Use cards or keys to access worker-only areas.
- Use reception desks and a sign-in procedure.
- Install door chimes or other means to notify workers when someone enters the workplace. Install personal or fixed alarms (either audible or silent alarms).
- Install desk or wall panic buttons.
- Accompany non-workers in restricted areas.
- Use or video surveillance, posting signs to inform people of the surveillance.
- Provide regular security patrols and regular alarm checks.
- Train staff how to question strangers or intruders about the appropriateness of their presence in a non-confrontational manner.
- Implement a system for warning workers of intruders in the workplace.

- Have more than one person working in an area where there might be open contact with the public or clients.
- Provide safe parking spaces (well-lit and close to the main entrance).
- Ensure clear sightlines (look at landscaping, layout, and bushes).

STEP 3: When an employee discloses

*A tailored plan to protect the worker needs to be developed with the worker's consent and reflect their work patterns. Does the worker work at times of greater vulnerability to harassment or attack? Does the worker work alone or offsite? Is the worker within mobile range? How do they get to and from work? **Note that women are exposed to a higher risk of domestic violence during pregnancy and post-separation.** Increase vigilance and support during these times.*

Possible actions to support safety:

- Provide mobiles phones (pre-programmed to call an emergency number), walkie talkies, or other communication or monitoring devices.
- Use GPS tracking devices or other locating devices.
- Designate a person to monitor contact with workers and follow up if contact is lost.
- Shorten or vary the start and finish times for the protected worker.
- For workers without a car, provide a company car or at minimum organise taxi pick and drop off to home.
- For workers with a car, ensure someone escorts them to their parking spot when they leave the premises
- Alert workers to personal safety measures such as walking around their vehicle and checking the back seat for intruders before unlocking the door to get in, maintaining a full tank or filling up with petrol at well-lit, and busy petrol stations.

- Use an internal code word or words known to all staff to indicate that help is needed.
- Relocate the protected worker to a more secure area of the workplace.
- Arrange for other staff to support the worker at court in paid time.

STEP 4: Assess with the vulnerable staff member, the use of appropriate screening measures

The most common form of domestic violence that staff report experiencing at work is abusive phone calls. How can you prevent perpetrators gaining access to the vulnerable staff member? How can this be done without affecting the work performance of the worker? Can you collect evidence of stalking and harassment so that police can follow up concerns? Is there a domestic violence protection order in place so that you can report breaches? Are you aware of escalating risk?

Possible actions to support safety:

- Develop an email and phone policy. See the Domestic Violence Safety Plan: Responding to Abusive Calls and Emails section of this package.
- Ascertain if the protected employee has an protection order and if the conditions include 'not to enter, remain or access any premises the protected person occupies or works in' and 'not to contact'
- Screen and track telephone calls, record voicemail where necessary.
- Provide evidence of abusive communications to the police and to the abuser's employer if emanating from their workplace.
- Instruct and train all staff on how not to reveal information to others such as location and movements of the protected worker.
- Develop a disciplinary policy to address cases where sensitive information is provided that endangers the safety of the protected worker.

STEP 5: Assess the capacity of the workplace to respond to emergencies

Are you prepared for a crisis situation?

Possible actions to support safety:

- Strongly encourage domestic violence protection orders to include the workplace as a prohibited location for the abuser.
- Provide security staff with a photo of the abusive person and a copy of the order.
- Post a photo of the abusive person on a staff noticeboard to alert colleagues.
- Institute a clear reporting procedure for incidents of violence or threats.
- Have an emergency plan with procedures for contacting the police when workers observe threatening behaviour.
- Outline the steps the workplace has committed to undertake once aware of an incident/potential incident, and how the workplace will record incidents and disclose information on a 'need to know' basis in order to protect confidentiality while ensuring worker safety.

STEP 6: Assess the need for a safe area

This is a place where someone under threat can retreat to escape the violence. It may be a room, an enclosed outdoor area or an adjoining business.

Possible action to support safety:

- Create a safe room or space that has an easily accessible entry.
- Ensure the space has a lock that can be used from the inside but which can also be accessed by security from the outside, in an emergency.
- Include a means of summoning immediate assistance from within the space, such as a call button that goes directly to the police or a pre-programmed mobile phone.



WORKPLACE GUIDE

Domestic Violence Safety Plan: Responding to Abusive Calls and Emails

The most common form of domestic violence reported by victims at work is abusive phone calls. These workers can prevent unwanted contact by phone or email with a domestic violence protection order.

Evidence of abusive calls or emails can assist the victim both in obtaining a domestic violence protection order (via the police or court), and in proving that a breach of the protection order has occurred.

The following recommendations will assist in managing abusive and unwelcome phone calls and/or emails in order to minimise the impact on the safety and work performance of employees experiencing domestic violence and their co-workers.

- This protects the worker from the distraction of the emails and may be used as evidence to help obtain a domestic violence protection order or prove an existing order has been breached.
- Screening for key words or phrases and email addresses is also possible with certain email software.

Phone calls

Calls which breach a protection order, are abusive or considered life-threatening should be notified to police and workplace security services immediately. The time, date, length and content of all unwanted calls should be recorded and reported immediately to a supervisor.

Note that other than in exceptional circumstances, telephone calls cannot be recorded by the recipient or monitored without the caller's permission. These steps should not be taken without legal advice. Where a caller is informed that their call is to be transferred to voicemail or an answer phone, and they continue with the phone call, this counts as consenting to the recording.

- Short-term safety actions may include changing the work numbers, or removing the worker's name or phone number from information available to those outside the organization (or from internal phone directories where the ex/partner is also an employee). This would include automated phone directories.
- However, these actions may impede the capacity of the worker to perform their duties. Calls which are persistent, threatening and impact on the work performance of the individual and co-workers require other strategies.

Confidentiality

Where a worker discloses to their supervisor that they are receiving unwelcome/abusive emails or phone calls from their ex/partner, the information must be treated as confidential and in accordance with the Domestic violence clauses in the enterprise agreement and the workplace privacy policy [LINK/explain](#) where it can be found.

Emails

Emails that breach a protection order, are abusive or considered life-threatening should be notified to the police and workplace security.

- Providing the worker with a different email address may be a first response but may disrupt their work performance.
- An alternative is to divert abusive and unwanted emails to a separate folder.

Longer-term strategies can include:

1. The provision of a telephone handset with **Calling Number Display (CND)**, allowing the worker to screen their own calls.
 - This will not be useful where her partner uses a telephone number which she does not know or where he has blocked the display of his number.
 - One company provides this on a handset with this facility for \$6 per month.
 - Check if purchasing a new phone that the handset will work on the business/organisation's network.
2. Another option is **different ring tones for calls from particular numbers**.
 - One telephone company provides this service for \$4.40 per month.
3. Use a **paging service, a phone with an answering machine or a voicemail system** to screen calls.
 - This option has the advantage of providing evidence for proceedings for a protection order or its breach.
 - Answering machines can also be used to hear who is calling if their number is not displayed before answering.
4. Use the **call forward service**, provided by some telephone systems/companies.
 - This enables calls from selected numbers to be forwarded to the supervisor, security staff or an answer phone before it reaches the employee's phone. One company provides this service for \$2.20pcm. (insert case history)
5. Police can trace calls or request phone records (see **police powers** below).

Co-workers and screening

It may be necessary to let colleagues know about the situation to provide effective safety for the victim and their co-workers.

- Colleagues may be asked to assist in screening incoming phone calls for the victim
- If telephone calls are routed through a switchboard, they can screen particular names/numbers.
- Co-workers to whom disclosure is made should be aware of their privacy and confidentiality obligations. Training should be provided to ensure they do not inadvertently disclose information to callers which may place the victim at risk.

Police powers to trace calls

The police in investigating a call which poses a serious threat to life or health have an urgent process for asking the telephone provider to identify the source of the call.

- In each State and Territory the police have a nominated point of contact (the Police Communication Centre) which coordinates action between telephone providers and the police regarding life-threatening calls.
- Police investigating a menacing, harassing or offensive call can also formally ask the phone provider for help to identify the caller.

Telephone provider powers

- For repeated unwelcome calls, the telephone provider can identify the caller's number and implement procedures to stop them (in conjunction with the telephone provider of the caller if the two are not the same). There may make a small charge (about \$5).
- The procedure can only be implemented with the authorisation of the person at the workplace in charge of managing the telephone system. The employee and their supervisor must contact them to implement this procedure.
- The provider can then be asked to implement a Malicious Call Trace (MCT (where the telephone system supports this facility).
- A pattern of unwelcome calls must be identified by the MCT (e.g. 10 calls in 24 hours) before the provider will take action.
- The phone provider can then send a letter asking the caller to cease the calls. If the calls continue, it can send another letter warning the caller that further complaints may lead to a police investigation. If the calls continue, the caller may be suspended from using their provider's service. The matter may also be referred to the police.
- Contact the phone provider for how to do this, for example Telstra customers should read: <http://telstra.com.au/abouttelstra/advice/unwelcome-calls/>



Assessing Responses to Domestic Violence: Workplace Questionnaire

	<i>Tips</i>	<i>To Do</i>	<i>Deadline</i>
Have we surveyed our workforce to find out how many people disclose domestic violence?	One way of testing this may be through an anonymous survey e.g. using surveymonkey – a free, web-based survey tool		
Do we have domestic violence entitlements?			
Have we developed a workplace domestic violence policy and safety plan for workers experiencing domestic violence?	Have a look at the guidelines on how to develop a policy in the factsheets		
Having a workplace domestic violence policy is important in supplementing domestic violence clause entitlements			
Have all key stakeholders been involved in the development of domestic violence policy and planning?	Stakeholders might include people such as HR, OHS officers, union delegates and managers, depending on the size of your organization. Make sure senior management signs off.		
Have we publicised our domestic violence clauses and policies in the workplace?	Consider posters, emails, flyers, information sessions and incorporating discussion of relevant entitlements into new worker orientation.		
Are our managers/supervisors adequately prepared to respond when workers disclose domestic violence?	Ask for feedback from managers and supervisors. One way of testing this may be through an anonymous survey e.g. using surveymonkey – a free, web-based survey tool		

	<i>Tips</i>	<i>To Do</i>	<i>Deadline</i>
Do we have policies in place to deal with workers who may be perpetrators of domestic violence?	Consider whether existing workplace codes of conduct and IT policies are adequate to prevent this type of behaviour. If not, considering adding to them.		
Is our Employee Assistance Program skilled and knowledgeable about domestic violence issues?			
Are we familiar with local domestic violence services where we can refer victims for assistance?	The Information and Referrals section of this package provides the state and territory peak domestic violence services. These services can connect you with your local service.		



Definitions of domestic / family violence

State/territory	Law covering protection orders	Definition of domestic / family violence used	Name of domestic violence protection order
Victoria	Family Violence Protection Act 2008 (Vic)	<p>Section 5 Meaning of family violence</p> <p>(1) For the purposes of this Act, family violence is—</p> <p>(a) behaviour by a person towards a family member of that person if that behaviour—</p> <ul style="list-style-type: none"> (i) is physically or sexually abusive; or (ii) is emotionally or psychologically abusive; or (iii) is economically abusive; or (iv) is threatening; or (v) is coercive; or (vi) in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or <p>(b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to in paragraph (a).</p>	<p>Family Violence Intervention Order / FVIO</p> <p>More information:</p> <p>Legal Aid Victoria, 'Safe at home: how to get a family violence intervention order'</p> <p>http://www.vla.vic.gov.au/cle.safe_at_home.pdf</p>
South Australia	The Intervention Orders (Prevention of Abuse) Act 2009	<p>In order for an <i>intervention order</i> to be issued there must be a reasonable suspicion that the <i>defendant</i> will commit an act of abuse against the victim. An act of abuse is defined as an act resulting in:</p> <ul style="list-style-type: none"> • physical injury • emotional or psychological harm • an unreasonable and non-consensual denial of financial, social or personal autonomy • damage to property in the ownership or possession of the person or used or otherwise enjoyed by the person. <p>Emotional or psychological harm includes mental illness; nervous shock; and distress, anxiety or fear that is more than trivial. Examples of such harm include [s 8(4)]:</p> <ul style="list-style-type: none"> • unlawful deprivation of liberty • driving a vehicle in a reckless manner while the victim is a passenger • causing the death of, or injury to, an animal • entering or interfering with property in the possession of the victim • loitering outside the place of residence of the victim or some other place frequented by them <p>Domestic abuse is where an act of abuse is committed by the defendant against a person with whom they are or were in a relationship [s8(8) <i>Intervention Orders (Prevention of Abuse) Act 2009</i>].</p> <p>For the purposes of the <i>Intervention Orders (Prevention of Abuse) Act 2009</i>, two people are in a relationship if:</p> <ul style="list-style-type: none"> • they are married to each other • they are domestic partners under the <i>Family Relationships Act 1975</i> • they are in some other form of intimate personal relationship in which their lives are interrelated and the actions of one affects the other • one is the child, stepchild or grandchild, or is under the guardianship, of the other (regardless of age) • they are siblings (brothers or sisters, or brother and sister) • they are otherwise related to each other by or through blood, marriage, a domestic partnership or adoption • they are related according to Aboriginal or Torres Strait Islander kinship rules • they are both members of some other culturally recognised family group 	<p>Intervention Order</p> <p>More information:</p> <p>Legal Services Commission of South Australia, 'Applying for a restraining order'</p> <p>www.lawhandbook.sa.gov.au/ch19s07s02s03.php</p> <p>South Australian Police brochure 'Information about Intervention Orders'</p> <p>http://www.police.sa.gov.au/sapol/services/information_requests/intervention_orders.jsp</p>

State/ territory	Law covering protection orders	Definition of domestic / family violence used	Name of domestic violence protection order
		<ul style="list-style-type: none"> one is the carer (within the meaning of the <i>Carers Recognition Act 2005</i>) of the other <p>Prohibitions on proximity to the protected person</p> <p>The defendant may be prohibited from:</p> <ul style="list-style-type: none"> being on premises at which a protected person resides or works being on specified premises frequented by a protected person being in a specified locality approaching within a specified distance of a protected person. 	
Western Australia	<i>Restraining Orders Act 1997</i> (WA)	<p>Section 6 Terms used: act of family and domestic violence and act of personal violence</p> <p>(1) In this Act —</p> <p><i>act of family and domestic violence</i> means one of the following acts that a person commits against another person with whom he or she is in a family and domestic relationship</p> <ul style="list-style-type: none"> (a) assaulting or causing personal injury to the person; (b) kidnapping or depriving the person of his or her liberty; (c) damaging the person's property, including the injury or death of an animal that is the person's property; (d) behaving in an ongoing manner that is intimidating, offensive or emotionally abusive towards the person; (e) pursuing the person or a third person, or causing the person or a third person to be pursued — <ul style="list-style-type: none"> (i) with intent to intimidate the person; or (ii) in a manner that could reasonably be expected to intimidate, and that does in fact intimidate, the person; (f) threatening to commit any act described in paragraphs (a) to (c) against the person. 	<p>Violence Restraining Order / VRO</p> <p>More information:</p> <p>Legal Aid Western Australia, 'Violence restraining orders – information'</p> <p>www.legalaid.wa.gov.au/InformationAboutTheLaw/DomesticandOtherViolence/ViolenceRestrainingOrders/Pages/ViolenceRestrainingOrders-Information.aspx</p> <p>'Family and Domestic violence: Need legal help?'</p> <p>http://www.legalaid.wa.gov.au/LegalAidServices/Documents/Family%20and%20Domestic%20Violence.pdf</p>
Northern Territory	<i>Domestic and Family Violence Act 2007</i> (NT)	<p>Section 5 Domestic violence</p> <p>Domestic violence is any of the following conduct committed by a person against someone with whom the person is in a domestic relationship:</p> <ul style="list-style-type: none"> (a) conduct causing harm; Example of harm for paragraph (a) Sexual or other assault. (b) damaging property, including the injury or death of an animal; (c) intimidation; (d) stalking; (e) economic abuse; (f) attempting or threatening to commit conduct mentioned in paragraphs (a) to (e). 	<p>Domestic Violence Order / DVO</p> <p>More information:</p> <p>Northern Territory Government: 'Domestic Violence Orders'</p> <p>http://www.nt.gov.au/justice/documents/DVO%20Booklet%20(web).pdf</p>
Queensland	<i>Domestic and Family Violence Protection Act 2012</i> (Qld)	<p>Domestic violence means behaviour by a person (the first person) towards another person (the second person) with whom the first person is in a relevant relationship that—</p> <ul style="list-style-type: none"> (a) is physically or sexually abusive; or (b) is emotionally or psychologically abusive; or (c) is economically abusive; or (d) is threatening; or (e) is coercive; or (f) in any other way controls or dominates the second person and causes the second person to fear for the second person's safety or wellbeing or that of someone else. <p>Meaning of relevant relationship</p> <p>A relevant relationship is—</p> <ul style="list-style-type: none"> (a) an intimate personal relationship; or (b) a family relationship; or (c) an informal care relationship. 	<p>Domestic Violence Order / DVO</p> <p>More information:</p> <p>Legal Aid Queensland, 'How to get a domestic violence protection order - your legal rights explained'</p> <p>http://www.legalaid.qld.gov.au/publications/Factsheets-and-guides/Factsheets/Documents/fs-dv-protection-order.pdf</p>

State/ territory	Law covering protection orders	Definition of domestic / family violence used	Name of domestic violence protection order
		<p>As well as the aggrieved, the following persons can be protected by a domestic violence order—</p> <ul style="list-style-type: none"> a child of the aggrieved or a child who usually lives with the aggrieved; a relative of the aggrieved; an associate of the aggrieved. e.g. a person who works at the same place as the aggrieved <p>Ouster condition</p> <p>The court may impose a condition (an ouster condition) on the respondent that prohibits the respondent from doing all or any of the following in relation to stated premises—</p> <ul style="list-style-type: none"> entering or attempting to enter the premises; including premises where the aggrieved or a named person lives, works or frequents. approaching within a stated distance of the premises. 	
New South Wales	<i>Crimes (Domestic and Personal Violence) Act 2007 (NSW)</i>	<p>'Domestic violence' not defined in the <i>Crimes (Domestic and Personal Violence) Act</i>.</p> <p>NSW Police Force <i>Domestic and Family Violence Policy</i> definition of domestic violence:</p> <p>Domestic and family violence involves an abuse of power, mainly perpetrated by men in an intimate partner relationship or after separating from the relationship.</p> <p>It amounts to a pattern of behaviour that can include:</p> <ul style="list-style-type: none"> escalating levels of abuse and violence intimidation physical abuse verbal abuse and/or threats psychological abuse threats to harm others, and/or causing harm to pets threats to damage property or actually damaging property financial deprivation and social isolation coercive control in order to maintain control over the victim's behavior. 	<p>Apprehended Violence Order / AVO</p> <p>More information:</p> <p>Legal Aid New South Wales, 'Are you experiencing domestic violence?'</p> <p>http://www.police.nsw.gov.au/community_issues/domestic_and_family_violence/police_and_the_legal_response#protection_orders_avo</p>
Australian Capital Territory	<i>Domestic Violence and Protection Orders Act 2008 (ACT)</i>	<p>Section 13 What is domestic violence etc?</p> <p>(1) For this Act, a person's conduct is domestic violence if it—</p> <p>(a) causes physical or personal injury to a relevant person; or</p> <p>(b) causes damage to the property of a relevant person; or</p> <p>(c) is directed at a relevant person and is a domestic violence offence; or</p> <p>(d) is a threat, made to a relevant person, to do anything in relation to the relevant person or another relevant person that, if done, would fall under paragraph (a), (b) or (c); or</p> <p>(e) is harassing or offensive to a relevant person; or</p> <p>(f) is directed at a pet of a relevant person and is an animal violence offence; or</p> <p>(g) is a threat, made to a relevant person, to do anything to a pet of the person or another relevant person that, if done, would be an animal violence offence.</p>	<p>Domestic Violence Protection Order / DVPO</p> <p>More information:</p> <p>Domestic Violence Crisis Service ACT, 'Protection orders'</p> <p>www.dvcs.org.au/domesticviolence.html</p>
Tasmania	<i>Family Violence Act 2004 (Tas)</i>	<p>Section 7 Family violence</p> <p>In this Act – "family violence" means –</p> <p>(a) any of the following types of conduct committed by a person, directly or indirectly, against that person's spouse or partner:</p> <p>(i) assault, including sexual assault;</p> <p>(ii) threats, coercion, intimidation or verbal abuse;</p> <p>(iii) abduction;</p> <p>(iv) stalking within the meaning of section 192 of the Criminal Code;</p> <p>(v) attempting or threatening to commit conduct referred to in subparagraph (i), (ii), (iii) or (iv);</p> <p>or</p> <p>(b) any of the following:</p> <p>(i) economic abuse;</p> <p>(ii) emotional abuse or intimidation;</p> <p>(iii) contravening an external family violence order, an interim FVO, an FVO or a PFVO.</p>	<p>Family Violence Order / FVO or Police Family Violence Order / PFVO</p> <p>More information:</p> <p>Legal Aid Commission of Tasmania, 'Factsheet - family violence'</p> <p>http://www.legalaid.tas.gov.au/factsheets/family%20violence.html</p>

Information and Referrals

NATIONAL

Tel: 1800 RESPECT
1800 737 732
TTY: 1800 671 442
Web: www.1800respect.org.au

24 hours, 7 days

Confidential telephone and internet counselling, information and referral (to local services) for people experiencing domestic violence or sexual assault.

NEW SOUTH WALES

NSW Domestic Violence Line

Tel: 1800 656 463
TTY: 1800 671 442

24 hours, 7 days

Information and referral (including crisis accommodation) for people experiencing domestic violence in New South Wales.

LawAccess

Tel: 1800 656 463
TTY: 1300 889 529
Web: www.lawaccess.nsw.gov.au

9am – 5pm, Monday to Friday

Government telephone service providing legal information, advice and referral for people who have a legal problem involving domestic violence.

QUEENSLAND

DV Connect Womensline

Tel: 1800 811 811

24 hours, 7 days

Information, referral and counselling for women affected by domestic violence. Includes referral to crisis accommodation.

DV Connect Mensline

Tel: 1800 600 636

9am – midnight, 7 days

Information, advice and counselling for men affected by domestic violence.

Queensland Working Women's Service

Tel: 1800 621 458
Web: www.qwws.org.au

Telephone advice 9am – 4pm Monday, Wednesday & Friday

Telephone information, advice and referral for women on work-related issues. Advocacy and representation may be available in limited circumstances.

NORTHERN TERRITORY

Crisis Line

Tel: 1800 019 116

24 hours, 7 days

Information, referral and counselling for people affected by domestic violence.

Northern Territory Working Women's Centre

**Tel: 1800 817 055
(08) 8981 0655**

Web: www.ntwwc.com.au

8.30am – 4.30pm Monday to Friday

Information, advice and referral for women on work-related issues. Telephone and face-to-face advice is available by appointment. Advocacy and representation may be available in limited circumstances.

WESTERN AUSTRALIA

Women's Domestic Violence Helpline

**Tel: 1800 007 339
(08) 9223 1188**

24 hours, 7 days

Information, referral and counselling for women affected by domestic violence. Includes referral to crisis accommodation.

Men's Domestic Violence Helpline

**Tel: 1800 000 599
(08) 9223 1199**

24 hours, 7 days

Information, referral and counselling for men affected by domestic violence.

Employment Law Centre of Western Australia

**Tel: 1300 130 956
Web: www.elcwa.org.au
Advice: (08) 9227 0111
Rural/remote: 1300 520 054**

Telephone advice:

9.30am – 3.30pm, Monday, Tuesday, Thursday & Friday

Face to face advice:

5pm – 7.30pm Tuesday

Information, advice and referral on work-related issues. Face-to-face advice is available by appointment only. Advocacy and representation may be available in limited circumstances.

SOUTH AUSTRALIA

Domestic Violence Helpline

Tel: 1800 800 098

24 hours, 7 days

Counselling, information and referral for people affected by domestic violence.

Working Women's Centre of South Australia

Tel: 1800 652 697
(08) 8410 6499

Telephone advice:

9am – 5pm, Monday, Wednesday, Thursday and Friday

Information, advice and referral for women on work-related issues. Initial advice is by telephone, face-to-face advice may be available after making telephone contact. Advocacy and representation may be available in limited circumstances.

VICTORIA

Women's Domestic Violence Crisis Service

Tel: 1800 015 188
Web: www.wdvcs.org.au

24 hours, 7 days

Information and referral for women affected by domestic violence.

JobWatch

Tel: (03) 9662 1933
Web: www.jobwatch.org.au
Rural/remote: 1800 331 617

Telephone advice 9am – 5.00pm, Monday to Friday. Closed 12 noon to 2pm Tuesday.

Information, advice and referral on work-related issues. Advocacy and representation may be available in limited circumstances.

TASMANIA

Family Violence Response and Referral Line

Tel: 1800 633 937

24 hours, 7 days

Information and referral for people affected by domestic violence.

Women's Legal Service

Tel: 1800 682 468
Web: www.womenslegaltas.org.au

Telephone advice:

10am – 12.30pm, 1.30 – 3.30pm Monday, Tuesday, Thursday and Friday and 2pm – 4pm Wednesday

Legal information, advice and referral for women. Initial contact is by telephone, face-to-face advice may be available after making telephone contact. Advocacy and representation may be available in limited circumstances.

AUSTRALIA CAPITAL TERRITORY

Domestic Violence Crisis Service

Tel: (02) 6280 0900

TTY: (02) 6228 1852

Web: www.dvcs.org.au

24 hours, 7 days

Information and referral for people affected by domestic violence.

Women's Legal Service

Tel: 1800 634 669
(02) 6257 4499

Web: www.womenslegalact.org

Telephone advice:

9.30am – 12 noon Monday to Friday

Face-to-face advice:

**9am – 5pm Monday to Friday and
5.30pm – 7pm every second Tuesday,
by appointment only.**

Legal information, advice and referral for women.

Initial contact is by telephone, face-to-face advice may be available in certain circumstances.

Advocacy and representation may be available in limited circumstances.

